

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

3:07CV361-3-MU

3:03CR218-MU

CHRISTOPHER REGINALD HINES,)

Petitioner,)

v.)

UNITED STATES OF AMERICA,)

Respondent.)

ORDER

THIS MATTER is before the Court on Petitioner’s “Motion to Reconsider or Notice of Appeal” (Document No. 48.)

On August 27, 2007, Petitioner filed a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 which included claims of prosecutorial misconduct and ineffective assistance of counsel involving two different attorneys as well as claims of actual innocence. On November 13, 2007, Petitioner filed a Motion for Bond Pending 2255 Review. (Doc. No. 9.) On November 15, 2007, this Court denied that motion for failing to meet the high standard governing motions for release pending appeal. (Doc. No. 10.) On November 30, 2007, Petitioner filed a Motion for Reconsideration regarding the Court’s Order denying Petitioner’s Motion for Bond. (Doc. No. 13.) On December 10, 2007, this Court denied Petitioner’s Motion for Reconsideration. (Doc. No. 14.) On January 14, 2008, Petitioner filed a second Motion for Bond based on new evidence. (Doc. No. 25.) This Court denied that Motion for Bond on January 16, 2008, again finding that Petitioner failed to meet the high standard governing motions for release pending appeal. (Doc. No.

26.) On June 30, 2008, Petitioner filed another Motion for Bond renewing his assertions that his circumstances are “extraordinary” within the meaning of the standard for bond release pending appeal. On July 11, 2008, this Court denied Petitioner’s motion (Doc. No. 45.) On October 8, 2008, Petitioner filed a motion again requested that this Court release him on bond pending the outcome of his Motion to Vacate (Doc. No. 46.) On October 24, 2008, this Court denied Petitioner’s motion (Doc. No. 47.)

Petitioner filed the instant motion on November 24, 2008 and again seeks to be released on bond pending the outcome of his Motion to Vacate. Petitioner specifically asks this Court to consider his motion as a notice of appeal should the Court deny the instant motion.

As this Court has already noted in its five previous Orders denying Petitioner’s Motions for Bond and Reconsideration, Petitioner has not met the appropriate standard required to be granted bond. Petitioner has not set forth any facts or circumstances which warrant a different conclusion than this Court has previously drawn.

IT IS, THEREFORE, ORDERED that Petitioner’s “Motion to Reconsider or Notice of Appeal” (Doc. No. 48) is **DENIED**. The Court declines Petitioner’s request to construe the instant motion as a notice of appeal in the event the Court denied Petitioner’s motion for Reconsideration. Petitioner is advised that if he desires to appeal this Court’s Order, he must file a separate notice of appeal.

SO ORDERED.

Signed: December 1, 2008

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

